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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,372	11/20/2006	Masataka Fukuda	12400-071	9832
757 7590 01/14/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER COKER, ROBERT A	
			ART UNIT 3616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,372

Applicant(s)

FUKUDA ET AL.

Examiner

Robert A. Coker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/15/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5,6,8,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,5,6,8,9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: In claim 11, line 6, "beings" should be --begins--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 9, 10 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 16, "the forward and backward direction" lacks antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3, 5, 6, 8, 9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Riedel et al., (U. S. 6,010,149).

With respect to claim 3, Riedel et al., disclose a side curtain air bag, which includes chambers expanded by gas supplied from a gas generator, and expands and develops into a curtain shape along a side part of a vehicle so as to protect vehicle occupants, the side curtain air bag comprising: at least one primary chamber (2) which

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expands by gas supplied by the gas generator so as to protect an occupant; at least one secondary chamber (4) defining an opening that provides fluid communication between the secondary chamber and the gas generator, the opening sized such that the secondary chamber begins to substantially expand and develop after the primary chamber is approximately fully expanded and developed by gas from the gas generator; and at least two tethers (3), each tether having one end attached to the side curtain air bag at a joint end and the other end attached to a vehicle at a fixation end, wherein, when the side curtain air bag is expanded and developed, the primary chamber and the secondary chamber are arranged such that a portion or all of the primary chamber and a portion or all of the secondary chamber respectively overlap a virtual band, the virtual band being formed along a virtual line connecting the respective joint ends of the at least tethers, the virtual band defining a region where tension is applied across the side curtain airbag when the primary chamber is approximately fully expanded and developed and the secondary chamber begins to substantially expand and develop (See Figure 9).

With respect to claim 5, Riedel et al. disclose the side curtain air bag, wherein the opening of the secondary chamber is in the fluid communication with the primary chamber, the secondary chamber being expanded by an inflow of the gas from the primary chamber (column 3, lines 34-38)(See Figure 9).

With respect to claim 12, Riedel et al. disclose the side curtain air bag, wherein pressure in the primary chamber has reached a maximum value before the secondary chamber begins to substantially expand and develop and the primary chamber

continuously decreases in pressure as the secondary chamber expands and develops (See Figure 9).

With respect to claim 6, Riedel et al., disclose a side curtain air bag, which includes chambers expanded by gas supplied from a gas generator, and expands and develops into a curtain shape along a side part of a vehicle so as to protect vehicle occupants, the side curtain air bag comprising: at least one primary chamber (2) which expands by gas supplied by the gas generator so as to protect an occupant; at least one secondary chamber (4) defining an opening that provides fluid communication between the secondary chamber and the gas generator, the secondary chamber being expandable by gas supplied by the gas generator, the opening being sized such that the secondary chamber begins to substantially expand and develop after the primary chamber is approximately fully expanded and developed by gas from the gas generator; at least two tethers (3), each tether having one end attached to an attachment point on the side curtain air bag at a joint end and the other end attached to a vehicle at a fixation end, in a forward and backward direction of the vehicle, wherein, when the side curtain air bag is expanded and developed, the primary chamber and the secondary chamber are arranged such that a portion or all of the primary chamber and a portion or all of the secondary chamber respectively overlap a virtual band, the virtual band being formed between a first virtual line connecting respective upper ends of the attachment points of the tethers and a second virtual line connecting respective lower ends of the attachment points of the tethers, the virtual band defining a region where tension is applied across the side curtain airbag when the primary chamber is

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approximately fully expanded and develop and the secondary chamber begins to substantially expand and develop (See Figure 9).

With respect to claim 8, Riedel et al., disclose the side curtain air bag, wherein the opening of the secondary chamber is in fluid communication with the primary chamber, the secondary chamber being expanded by an inflow of the gas from the primary chamber (column 3, lines 34-38)(See Figure 9).

With respect to claim 13, Riedel et al. discloses the side curtain air bag, wherein pressure in the primary chamber has reached a maximum value before the secondary chamber begins to substantially expand and develop and the primary chamber continuously decreases in pressure as the secondary chamber expands and develops (See Figure 9)

With respect to claim 9, Riedel et al., disclose a side curtain air bag, which includes chambers expanded by gas supplied from a gas generator, and expands and develops into a curtain shape along a side part of a vehicle so as to protect vehicle occupants, the side curtain air bag comprising: at least one primary chamber (2) which expands by gas supplied by the gas generator so as to protect an occupant; at least one secondary chamber (4) defining an opening that provides fluid communication between the secondary chamber and the gas generator, the secondary chamber being expandable by gas supplied by the gas generator, the opening being sized such that the secondary chamber begins to substantially expand and develop after the primary chamber is approximately fully expanded and developed by gas from the gas generator; and at least two tethers (3), each tether having a joint end attached to the side curtain

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air bag at an attachment point on the side curtain air bag and a fixation end attached to a vehicle; in the forward and backward direction of the vehicle, wherein, when the side curtain air bag is expanded and developed, the primary chamber and the secondary chamber are arranged such that a portion or all of the primary chamber and a portion or all of the secondary chamber respectively overlap a virtual band, the virtual band being formed between a first virtual line connecting an upper end of the attachment point of one tether and the fixation end of the other tether, and a second virtual line connecting respective lower ends of the attachment points of the tethers, the virtual band defining a region where tension is applied across the side curtain airbag when the primary chamber is approximately fully expanded and develop and the secondary chamber begins to substantially expand and develop (See Figure 9).

With respect to claim 11, Riedel et al., disclose the side curtain air bag, wherein the opening of the secondary chamber is in fluid communication with the primary chamber, the secondary chamber being expanded by an inflow of the gas from the primary chamber (column 3, lines 34-38)(See Figure 9).

With respect to claim 14, Riedel et al. disclose the side curtain air bag, wherein pressure in the primary chamber has reached a maximum value before the secondary chamber begins to substantially expand and develop and the primary chamber continuously decreases in pressure as the secondary chamber expands and develops (see Figure 9).

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Response to Arguments

5. Applicant's arguments filed 11/15/2007 have been fully considered but they are not persuasive. Examiner maintains rejection because, referring to figure 9, on the right portion of the airbag of Riedel et al are secondary chambers 3, therefore, the fluid supplied by the gas generator will fill the first primary chamber first, before one of the secondary chambers begins to substantially expand and develop. Accordingly, Riedel et al. defines over amended claims 3, 6 and 9.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Coker whose telephone number is 571-272-8514. The examiner can normally be reached on Monday thru Friday, 8.30 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert A Coker
Examiner
Art Unit 3616



ERIC CULBRETH
PRIMARY EXAMINER